REMARKS

In view of the following remarks, Applicant respectfully requests reconsideration and allowance of the subject application. This amendment is believed to be fully responsive to all issues raised in the Office Action dated

5   July 13, 2005.

Premature Final Rejection

MPEP § 706.07(a) states "Under present practice, second or any subsequent actions on the merits shall be final, except where the examiner

10   introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CRF 1.97(c) with the fee set forth in 37 CFR 1.17(p)."

The Examiner has introduced new grounds of rejection (i.e., rejection of

15   claims 1-15 and 16-27 under 25 U.S.C. 112, second paragraph and rejection of claims 1-27 under 35 U.S.C. 101) that are neither necessitated by Applicant's amendment of the claims nor based on information submitted in an information disclosure statement. Accordingly, the finality of the action dated July 13, 2005 is premature, and Applicant respectfully requests that the finality of this action

20   be withdrawn.

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Requested Withdrawal of Previous 35 U.S.C. 112 Rejection

In the previous Office Action, dated October 20, 2004, claims 1-15, 40, and 41 were rejected under 35 U.S.C. 112, second paragraph, due to a lack of sufficient antecedent basis.   Applicant amended claims 1, 40, and 41 to

5   overcome this rejection, and requested that the rejection be withdrawn. In the current Office Action dated July 13, 2005, the Office has not addressed the request that the previous rejection under 35 U.S.C. 112, second paragraph be withdrawn. Accordingly, Applicant hereby resubmits this request.

10   Claim Amendments

Claims 1-27 are amended as shown above to clearly indicate that the methods and systems claimed are computer-implemented.   Furthermore, claims 10-13 are amended as shown above to more distinctly clarify the claimed elements.

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Rejections to the Claims

35 U.S.C. 112

Claims 1-15 and 16-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly

20   claim the subject matter which applicant regards as the invention. (Office Action, page 4.)

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Claims 1-15 have been amended, replacing the word "method" with the phrase "computer-implemented method", making it clear that the claimed method is a computer-implemented method.

Claims 16-27 have been amended, replacing the phrase "centralized

5   alert delivery system" with the phrase "computer-implemented centralized alert delivery system", making it clear that the claimed system is a computer-implemented system.

Because appropriate amendments to claims 1-27 have been provided herein, and Applicant respectfully requests that the rejection under

10   35 U.S.C 112, second paragraph be withdrawn.

35 U.S.C. 101

Claims 1-27 are rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter. (*Office Action*, page 5.) Specifically, the Office

15   states "the use of a computer is not evident in the claim." As discussed above with reference to the 35 U.S.C. 112 rejections, appropriate amendments to claims 1-27 have been provided herein, and Applicant respectfully requests that the rejection under 25 U.S.C. 101 be withdrawn.

20   ### 35 U.S.C. 102(e)

Claims 1-42 remain rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Number 6,092,102 issued to Wagner (herein referred to as "Wagner").

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Applicant describes and claims features of a centralized alert delivery system that receives alerts for its subscribers from various alert sources. The centralized alert delivery system categorizes the alerts according to the source of the alert or the content of the alert. Subscribers pre-specify one or more

5   delivery modes for each of the alert categories they are interested in. When the centralized alert delivery system receives an alert for a subscriber, the system forwards the alert to the subscriber according to the one or more pre-specified delivery modes. If an attempt to deliver an alert using a first delivery mode fails, the centralized alert delivery system may attempt to deliver the alert using a

10   second delivery mode. (*Application*, Abstract.)

Claim 1 recites a computer-implemented method, comprising:

receiving an alert for a user from one of multiple alert sources;

mapping the alert to a delivery mode; and

15   transmitting the alert to the user according to the delivery mode.

Wagner does not show or disclose "receiving an alert", or receiving the alert from one of multiple alert sources, as recited in claim 1. Rather, Wagner only describes a notification system that receives information – not an alert.

20   Further, Wagner describes analyzing the information and then generating an alert within the Wagner system. *(Wagner,* Abstract; col. 6, lines 24-44.) The Office agrees that Wagner describes a system that generates an alert, as evidenced by the statement, "With respect to claims 1 and 35, Wagner teaches

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the general concept of generating an alert." (*Office Action*, page 6.) Because Wagner describes a system that **generates** an alert after receiving the information, it is clear that the information received by the Wagner system is not, in and of itself, an alert. Further, Wagner does not describe a system that

5   receives an alert from one of multiple alert sources. Rather, the Wagner system is a single alert source that **generates** alerts based on received information.

In the Response to Arguments, the Office states that during patent examination, the pending claims must be "given the broadest reasonable

10   interpretation consistent with the specification." (*Office Action*, page 2.) The Office further contends that, "Wagner's teachings of the notification system, where the notification system includes an information **receiving function** of the information processing system for receiving information as **received information**; a database or data warehouse of the information processing

15   system for storing the received information as stored information; the clinical event monitor which analyzes the stored information to determine an event and **generate an alert** including a message data structure having a message, and **partial or complete deliver instructions; plural communication channels for communicating the message** of the data structure to **one or more of the**

20   **users** clearly discloses receiving an alert as claimed." (*Office Action*, pages 2-3.)

Applicant believes that the broad interpretation of the claims described by the Office as stated above is not a reasonable interpretation consistent with

the specification.   Specifically, as stated by the Office, Wagner describes *receiving information, generating* an alert, and sending the alert to a user. Wagner does not describe receiving an alert. The application, on the other hand, describes receiving an alert, and delivering the alert to a user. Applicant

5   clearly describes a system that is not in and of itself an alert generation system, but a system that interfaces with current alert generation systems. No where does the Application indicate that the system **generates** an alert based on received information -- only that the system delivers alerts generated by other alert generation systems. Therefore, the Office's broad interpretation of claim 1

10   to cover generating an alert is not a reasonable interpretation consistent with the specification.

Accordingly, claim 1 is allowable over Wagner for at least the reasons described above and Applicant respectfully requests that the §102 rejection be withdrawn.

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Claims 2-15 are allowable by virtue of their dependency on claim 1 (either directly or indirectly). Additionally, some or all of claims 2-15 are allowable over Wagner for independent reasons. For example:

Claim 10 recites:

20   transmitting the alert to the user according to the first

delivery action; and

transmitting the alert to the user according to the second

delivery action if transmitting the alert to the user according to the

first delivery action is unsuccessful.

5   Wagner does not show or disclose conditionally transmitting an alert to a

user according to a secondary delivery mode, as recited in claim 10.

The Office contends that the elements recited in Claim 10 are described

in Wagner, Table V and column 14, lines 39-46. (*Office Action*, page 8.)

Applicant respectfully disagrees because Table V only illustrates characteristics

10   of various communication channels. For example, messages sent via a 2-way

pager are encrypted, while messages sent via email are not encrypted.

Furthermore, messages sent via a 2-way pager are not fail-safe, but messages

sent via a 2-way pager with fail-safe are fail-safe. Neither Table V, nor the cited

sections of Wagner, describe "transmitting the alert to the user according to the

15   second delivery action if transmitting the alert to the user according to the first

delivery action is unsuccessful," as recited in Claim 10.

The Office cites Wagner, column 14, lines 39-46, which states:

As shown in FIG. 3, for fail-safe communication channels,

20   the communication channel manager 124 accepts an

acknowledgement 125 of receipt of the message 38 from the user

of the fail-safe communication channel. If the acknowledgement

125 is not provided by the user within a predefined time, then the

message 38 is resent to the user and the process of checking for

the acknowledgement 125 is repeated.

5   This section of Wagner only describes re-transmitting an alert using the
same delivery method, and not transmitting the alert according to a second
delivery action if transmitting according to a first delivery action is unsuccessful,
as recited in claim 10.

Furthermore, in the Response to Arguments, the Office contradicts itself
by stating "Claimed limitation further teaches transmitting the alert to the user
10   according to the delivery action specified in the secondary delivery block if
conditions are met, but claimed limitation does not state transmitting an alert to
a user according to the secondary delivery action as claimed." (*Office Action*,
page 3-4.) The Office's statement that "claimed limitation does not state
transmitting an alert to a user according to the secondary delivery action"
15   contradicts the Office's statement that "claimed limitation further teaches
transmitting the alert to the user according to the delivery action specified in the
secondary delivery block if conditions are met".

Accordingly, by virtue of its dependence on claim 1, and for at least the
reasons stated above, claim 10 is allowable over Wagner and Applicant
20   requests that the §102 rejection be withdrawn.

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<u>Claim 16</u> recites a computer-implemented centralized alert delivery system, comprising:

an input/output (I/O) module configured to receive alerts from multiple alert sources;

5   a mapping module configured to map an alert to a delivery mode; and

a communications layer that interfaces to one or more communications modules, the communications layer being configured to receive the mapped alert and deliver the alert via a

10   communications module according to the delivery mode associated with the alert.

Wagner does not show or disclose "an input/output module configured to receive alerts from multiple alert sources," as recited in claim 16. The Office

15   refers to Wagner Fig. 1 as "illustrating an input/output module for inputting alert information (20) and outputting alerts to users (10, 12, 14)". (*Office Action,* page 8.) Applicant respectfully points out that the "information" illustrated in Wagner Fig. 1 does not represent an alert, but rather, represents information that can be analyzed and from which an alert may be generated.

20   Specifically, Wagner states "the notification system 8 includes an information receiving function 22...for receiving the information 16...the clinical event monitor 4 which analyzes the stored information to determine an event (E) 18 and generate an alert 26..." (Wagner, column 6, lines 24-31.)

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Clearly, the information receiving function of the system described in Wagner only receives information, but does not receive alerts as does the input/output module recited in claim 16.

Accordingly, claim 16, along with dependent claims 17-27, are allowable

5   over Wagner for at least the reasons described above, and Applicant respectfully requests that the §102 rejection be withdrawn.

Claim 28 recites a computer system comprising "a subscription layer configured to receive an alert from an alert source and assign a delivery mode

10   to the alert". As described above in the response to the rejection of claim 1, Wagner does not show or disclose that an alert is received from an alert source, as recited in claim 28. Rather, Wagner only describes a notification system that can receive information, analyze the information, and then generate an alert.

Accordingly, claim 28 along with dependent claims 29-34 are allowable

15   over Wagner and the §102 rejection should be withdrawn.

Claim 35 recites "receiving an alert from one of a plurality of alert sources". As described above in the response to the rejection of claim 1, Wagner does not show or disclose "receiving an alert", as recited in claim 35.

20   Accordingly, claim 35 along with dependent claims 36-42 are allowable over Wagner and the §102 rejection should be withdrawn.

Conclusion

Claims 1-42 are believed to be in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the present application. Should any issue remain that prevents immediate issuance of the

5   application, the Examiner is encouraged to contact the undersigned agent to discuss the unresolved issue.

10   Respectfully Submitted,
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